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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 10/617,505  | 07/11/2003  | Kenji Mukai          | 52478-0517            | 4004             |
| 21611   | 7590        | 08/11/2005           | EXAMINER              |                  |
| SNELL & WILMER LLP<br>600 ANTON BOULEVARD<br>SUITE 1400<br>COSTA MESA, CA 92626 |             |                      | YAMNITZKY, MARIE ROSE |                  |
|   |             | ART UNIT             | PAPER NUMBER          |                  |
|   |             |                      | 1774                  |                  |

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
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10/6/17, 505 07/11/2003 MUKAI

EXAMINER

YAMNITZKY

ART UNIT PAPER

1774 08082005

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Commissioner for Patents

The reply filed on August 01, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The election of species is incomplete because, while applicant has elected species (a), applicant has not made an election with respect to the three or four specific phosphors used to provide bivalent europium, bivalent manganese, trivalent terbium and trivalent europium, wherein the three or four specific phosphors are selected from those recited in claims 11-14. Applicant may not have understood that the election of species requirement mailed March 11, 2005 required an election of specific phosphors selected from those recited in claims 11-14. Applicant is required to select three or four specific phosphors from those recited in claims 11-14 which together provide bivalent europium, bivalent manganese, trivalent terbium or trivalent europium. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

The examiner notes the remarks filed August 01, 2005 concerning an extension of time and the correspondence address. An extension of time has been charged. If applicant is of the position that the extension of time should not have been charged, a request for refund could be filed. However, the examiner notes that MPEP 601.03 cautions applicant that a change of correspondence address made during prosecution of a prior application may not be recognized in a continuation or divisional application. The examiner notes that the only address specifically identified as a correspondence address when the present application was filed is the correspondence address provided in the executed declaration, which is the address to which the election of species requirement was mailed. No copy of the change in correspondence address for the parent application was filed in the present application prior to the mailing of the election of species requirement on March 11, 2005.

The fax number for official faxes has changed since the mailing of the election of species requirement. The fax number for official faxes is now (571) 273-8300.

MRY  
August 08, 2005

*Marie R. Yamnitzky*

MARIE YAMNITZKY  
PRIMARY EXAMINER

1774